



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 14, 1998

Ms. Sheila Gladstone
Haynes and Boone, L.L.P.
600 Congress Avenue, Suite 1600
Austin, Texas 78701-3236

OR98-0966

Dear Ms. Gladstone:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 114436.

The Tarrant County Community Supervision and Corrections Division (the "CSCD"), which you represent, received a request for information from an incarcerated individual. You contend that the CSCD need not respond to this request. We agree.

Section 552.028 of the Government Code provides that

(a) A governmental body is not required to accept or comply with a request for information from an individual who is imprisoned or confined in a correctional facility.

(b) Subsection (a) does not prohibit a governmental body from disclosing to an individual described by that subsection information held by a governmental body pertaining to that individual.

(c) In this section, "correctional facility" has the meaning assigned by Section 1.07(a), Penal Code.

See Act of June 1, 1997, H.B. 951, § 6, 75th Leg., R.S. (renumbering former section 552.027 as section 552.028 of the Government Code). Pursuant to section 552.028, the CSCD is not required to comply with the pending request because the requestor is confined in an correctional facility.¹

¹Because we are able to resolve this matter under section 552.028, we need not address your other arguments against disclosure.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, reading "Karen Hattaway". The signature is fluid and cursive, with the first name "Karen" and last name "Hattaway" clearly distinguishable.

Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref: ID# 114436

Enclosures: Submitted documents

cc: Mr. Danny Atchley
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Childress, Texas 79201
(w/o enclosures)